

INSD Pro Se Employment Discrimination Complaint 12/19 (adapted from AO Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination)

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

1:21-cv-00266-JRS-TAB

Kenneth Felder

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

RAYTHEON

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: *(check one)*



Yes



No

FILED

7:49 am, Feb 02, 2021

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk**

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

II. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KENNETH FELDER
Street Address	3818 CAREY ST.
City and County	EAST CHICAGO
State and Zip Code	INDIANA, 46213
Telephone Number	(219) 614-2898
E-mail Address	KF0026@YAHOO.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, a corporation, or another entity. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	RAYTHEON HUMAN RESOURCES DEPT.
Job or Title (<i>if known</i>)	MANAGER, HUMAN RESOURCES
Street Address	6125 EAST 21 STREET
City and County	INDIANAPOLIS, MARION
State and Zip Code	INDIANA, 46312
Telephone Number	(317) 306-4443
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	STAFFING INDUSTRY ANALYSTS
Job or Title (<i>if known</i>)	HUMAN RESOURCES MANAGER
Street Address	1975 WEST EL CAMINO REAL, SUITE 304
City and County	MOUNTAIN VIEW
State and Zip Code	California 94040
Telephone Number	(678)-310-1378
E-mail Address (<i>if known</i>)	shaleen.gupta@acsicorp.com

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	RAYTHEON COMPANY
Street Address	6125 E. 21st
City and County	INDIANAPOLIS, MARION
State and Zip Code	INDIANA, 46219
Telephone Number	(317) 306-4443

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Failure to hire me. |
| <input type="checkbox"/> | Termination of my employment. |
| <input type="checkbox"/> | Failure to promote me. |
| <input checked="" type="checkbox"/> | Failure to accommodate my disability. |
| <input type="checkbox"/> | Unequal terms and conditions of my employment. |
| <input checked="" type="checkbox"/> | Retaliation. |
| <input type="checkbox"/> | Other acts <i>(specify)</i> : _____ |

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
ON OR ABOUT APRIL 16th, 2020 and January 8th, 2021

C. I believe that defendant(s) *(check one)*:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | is/are still committing these acts against me. |
| <input checked="" type="checkbox"/> | is/are not still committing these acts against me. |

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

<input checked="" type="checkbox"/>	race	<u>African American</u>
<input checked="" type="checkbox"/>	color gender/sex	<u>Male</u>
<input type="checkbox"/>	religion	<u></u>
<input type="checkbox"/>	national origin	<u></u>
<input checked="" type="checkbox"/>	age (year of birth)	<u>(only when asserting a claim of age discrimination.)</u>
<input checked="" type="checkbox"/>	disability or perceived disability (specify disability)	<u>Low back & Hearing issues</u>
<input type="checkbox"/>		<u></u>

E. The facts of my case are as follows. Attach additional pages if needed.

On April 16th of 2020 the defendant made a job offer for the position as electronics assembler after this offer I was asked to fill-out some documents which asked my date of birth, such as day, month and year. After learning my age they canceled the position, I was 63 years old at the time

A second interview with Raytheon (The same company) took place on January 8, 2021 during this interview I informed a team of three interviewers of my disability, again failure to hire. "Both interviews were by phone"

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

10/20/2020

- B. The Equal Employment Opportunity Commission *(check one)*:

☐
☒

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on *(date)* Dec., 2, 2020

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐
☒

60 days or more have elapsed.

60 days or more have not elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

lost wages, punitive damages for the disability discrimination.

The pay agreement was \$20.00 per hour back in April, it pays for 40 hours plus over time for 1 year
my estimate is approximatly \$38,400 less the over time, which could come too \$50,000

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/02/2021

Signature of Plaintiff

Printed Name of Plaintiff


Kenneth Felder